1952.

File No. S.S C II/52 (R)

Legal Deptt.

B BRANCH p.6(E)

K

Subject: Rules under the Secondary School Certificate Examination Act, 1948

File No. S. S. C. II/52 (R)

Gen. 194

391-B

Legal Department

In place of the draft amendments at pgespa pages 11-13/C, revised draft amendments are sent herewith.

2. It appears from the Third Edition of the Booklet published by the Board that the brackets and words "(for girls)" have already been deleted from entry "62". Tailoring, Embroidery and Fancy Work" in Appendix A. Amendments proposed in clauses 3(4) and (5) in the Department's draft are therefore unnecessary and have been omitted.

3. By G.R., E.D. No. S.S.C. 1151 dated 5-11-51 for entry "46" in the Appendix are revised entries "46" and "46A" have been substituted. In the revised draft, the entries have been renumbered after taking into consideration the additional entry 46A.

4. The Department will no doubt take early action to carry out consequential amendments in Appendix B.

Additional Secretary to Government.

U.R. to E.D., No. 4304., Dated the 20th March, 1952

SSM / 2/7/56.

Legal Department.

In place of the draft amendments at p. 5 ante revised draft amendments are sent herewith.

2. There is no conflict between existing N.B.(4) below regulation 39(1) and new N.B. (4) can, therefor , be inserted as N.B. (4A) even when existing N.B. (4) is in force.

3. Most of the N.Bs. below regulation 39(1) are in the nature of transitory provisions, The two new transitory provisions proposed to be inserted at p. 5 ante may, therefore, be inserted as N. Bs. (7) and (8).

4. Revised draft provides accordingly.

Additional Secretary to Government.

U.R. to E.C., No. 6032, Dated the 21st April ~~2063~~. 1952.

SSM / 2/7/56.

Legal Department.

The words" in all the subjects required for obtaining the Secondary School Certificate" used in sub-clause (2) of regulation 37 are relatable to the provisions of regulation 36 which provides that to equalify for the Secondary School Certificate the candidate must pass at one and the same examination in Group I and any five subjects taken from at least two other grops etc. The object in view will be achieved if regulation 37 is amended as shown below:-

In regulation 37,--

(a) in sub-regulation (2), for the words "all the subjects required for obtaining the Secondary School Certificate" the words "the subjects referred to in egulation 36 or any more subjects" shall be inserted;

(b) in the Explanation for the words "the marks of any seven subjects in which he has secured more marks than in the r maining subjects" the words "the marks he has secured in all the subjects in which he has appeared" shall be substituted.

Additional Secretary to Government.

U.O. to A.D. No. 10530, Dated the 26th June 1952.

SSM / 2/7/56.

Legal Deprtment.

The exact intention of the Department cannot be made out either from he notes at pages 3-4 ante or from the draft at page 5 ante.In the note of the Under Secr tary it is stated as follows:-

"If one could get S.S.C. on the basis of the pr sent rules he should get it on he basis of 7 subjects and then the cases of therest shall have to be considered on the basis of percentage in 8 or mor subjects, it being made clear that advantage of Condonation is not to be given twice." However, in the Education Department draft at page 5 ante, it is provided that if a candidate who has passed the S.S.C. Examination in accordance with regulation 36 or regulation 37 hasopa offered subjects in addition to those required for ap passing the S.S.C. Examination and has failed in one or two of these additional subjects, then ....

From this draft it appears that the candidate is entitled to get the advantage of regulation 37 i.e. of passing in one or two subjects under the Condonation Rule and at the same time to get the furth rbenefit of passing in one or two subjects in which he has failed by getting again th benefit of the Condonation Rule. The difficulties pointed out in the two letters at pages 1 and 7 ante respectively, were due tothe fact that the Board refuses the benefit of Condonation under Regulation 37 to candidates who have passed the S.S.C. Examination for purposes of admission to Colleges. The cases pointed out in the two letters will bemet by ddleting the Explanation to Regulation 37 and inserting new regulation 37A as shown in the appended draft. Regulation 37A has been drafted on the assumption that in no

that is no case a candidate is to fail in more than two subjects whatever number of subjects may have offered for the examination. The Dducation Department should verify whether this is the intention.

Even after regulation 37A is inserted as shown in the draft, it will not corer a case where a student has appeared in 8 subjects and has passed in 6 subjects, one of the subjects being that which is required for passing the S.S.C. Examination and the other subject being the additional subject, because regulation 37 is now intended to apply to a candidate who has taken 7 subjects required for passing the examination and regulation 37A is intended to apply to the candidates who have offered more than 7 subjects and <u>have passed in all</u> the 7 subjects required for pssing the S.S.C. Examination The Education Department should consider how such a contingency should be met.

Additional Deputy Secretary to Govt.

U.O. to E.D. No. 11535, Dated the 12th July 1952.

Legal Department.

Para 2 of E.D.note at page 15 ante. The new regulation 37A (page 37-C.S. as slightly amende is free ~~fxxx~~ from any legal objection.

Para 3 of E.D. Note ate page 15 ante. The general principle with regard to subsidiary legislation is that such a legislation cannot be given retrospective effect. As, however, the new Regulation is in ~~favour~~ favour of students no exception can be taken to its being given retrospective effect. It means that the Board would get the right to condone marks at the last Examination i.e. of March 1952.

Additional Dy. Secretary to Govt.

J;R. to L.D. No. 15550/B , Dated the 22nd Sept., 985- 1952.

CSM / 2/7/56.